

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Allyson M. Smith (AS-4750)
OGLETREE, DEAKINS, NASH
SMOAK & STEART, P.C.
521 Fifth Avenue, Suite 1700
New York, New York 10117
(212) 292-4314
allyson.smith@odnss.com
Attorneys for Defendant

SUE EARL,

Plaintiff,

v.

NOVARTIS CONSUMER HEALTH, INC.

Defendant.

Hon. Richard J. Holwell, U.S.D.J. Case No.
Civil No.: 07 CIV 9595 (RJH)

Civil Action

**NOTICE OF MOTION TO ADMIT
PETER O. HUGHES, ESQ.,
PRO HAC VICE PURSUANT TO LOCAL
RULE 1.3(c)**

TO: Steven L. Wittels, Esq.
William R. Weinstein, Esq.
Jeremy Heisler, Esq.
Sanford Wittels & Heisler, LLP
950 Third Avenue, 10th Floor
New York, New York 10022
Counsel for Plaintiff

David Sanford, Esq.
Sanford Wittels & Heisler, LLP
1666 Connecticut Avenue, N.W.
Suite 310
Washington, D.C. 20009
Counsel for Plaintiff

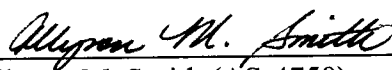
COUNSEL:

PLEASE TAKE NOTICE that on a date to be scheduled by the United States District Court for the Southern District of New York, defendant Novartis Consumer Health, Inc. shall

FEB 28 2008
925-663273

move for an Order admitting Peter O. Hughes, Esq., as a visiting attorney *pro hac vice* to participate in all proceedings relative to the above-captioned matter.

PLEASE TAKE FURTHER NOTICE that in support of this application, defendant shall rely upon the accompanying Affidavits of Peter O. Hughes, Esq., and Allyson M. Smith, Esq. A proposed form of Order is being concurrently submitted.

By: 
Allyson M. Smith (AS-4750)

Dated: February 27, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Allyson M. Smith (AS-4750)
OGLETREE, DEAKINS, NASH
SMOAK & STEART, P.C.
521 Fifth Avenue, Suite 1700
New York, New York 10117
(212) 292-4314
allyson.smith@odnss.com
Attorneys for Defendant

SUE EARL,

Plaintiff,

v.

NOVARTIS CONSUMER HEALTH, INC.

Defendant.

: Hon. Richard J. Holwell, U.S.D.J. Case No.
: Civil No.: 07 CIV 9595 (RJH)

: *Civil Action*

: **AFFIDAVIT OF PETER O. HUGHES,**
: **ESQ., IN SUPPORT OF MOTION TO**
: **ADMIT COUNSEL *PRO HAC VICE***

PETER O. HUGHES, ESQ., being duly sworn, hereby deposes and says as follows:

1. I am a shareholder in the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I submit this Affidavit in support of my application for permission to appear *pro hac vice* on behalf of the defendant in the above-captioned matter.

2. I represent defendant in the above-captioned matter along with Allyson M. Smith, associate, with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

3. This is an employment discrimination case. Defendant has requested that I assist Ms. Smith in this matter because of my general experience in employment law.

4. I received my law degree from Seton Hall University School of Law.

5. I am a member in good standing and am admitted to practice before all levels of the New Jersey state courts. *See* Exhibit A.

6. I am also admitted to and a member in good standing of the United States Courts of Appeals for the First, Third, Fourth, and District of Columbia Circuits and the United States District Courts for the District of New Jersey, the Northern District of Texas, the Western District of Michigan, and the District of Colorado.

7. I am not under suspension, disbarment, or any other discipline or disciplinary procedure of any Court.

8. If admitted *pro hac vice*, I will conduct myself as an attorney of this Court uprightly and according to the law, and I will support and defend the Constitution of the United States.

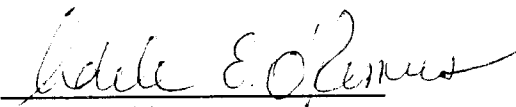
9. Accordingly, for the foregoing reasons, I respectfully request to be admitted as a visiting attorney *pro hac vice* to participate in all proceedings relative to the above-captioned matter.

I hereby aver that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Peter O. Hughes

Sworn to and subscribed
before me this 26th day
of February 2008



Notary Public
Adele E. O'Remus
Notary Public of New Jersey
My Commission Expires March 31, 2010

Supreme Court of New Jersey

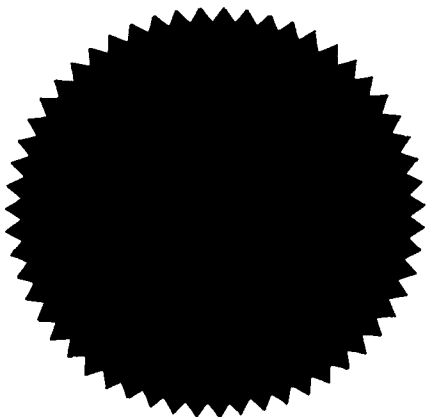


Certificate of Good Standing

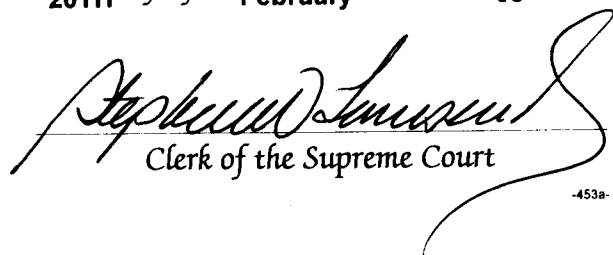
This is to certify that **PETER OWEN HUGHES**
(No. **033401987**) was constituted and appointed an Attorney at Law of New
Jersey on **December 18, 1987** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
20TH day of February, 20 08


Clerk of the Supreme Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Allyson M. Smith (AS-4750)
OGLETREE, DEAKINS, NASH
SMOAK & STEART, P.C.
521 Fifth Avenue, Suite 1700
New York, New York 10117
(212) 292-4314
allyson.smith@odnss.com
Attorneys for Defendant

SUE EARL,

Plaintiff,

V.

NOVARTIS CONSUMER HEALTH, INC.

Defendant.

Hon. Richard J. Holwell, U.S.D.J. Case No.
Civil No.: 07 CIV 9595 (RJH)

Civil Action

**AFFIDAVIT OF ALLYSON M. SMITH
ESQ., IN SUPPORT OF MOTION TO
ADMIT PETER O. HUGHES, ESQ., *PRO
HAC VICE***

ALLYSON M. SMITH, ESQ., being of full age, avers and states as follows:

1. I am an attorney-at-law and an associate of the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., attorney for defendant Novartis Consumer Health, Inc.

2. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of defendant's motion to admit Peter O. Hughes, Esq., as counsel *pro hac vice* pursuant to Local Rule 1.3(c).

3. I have been a member in good standing of the bar of the State of New York since 2006. I was admitted to the bar of the United States District Court for the Southern District of New York in 2007, and admitted to the United States District Court for the Eastern District of New York in 2008.

4. I have known Peter O. Hughes, Esq., since December 2005.

5. Mr. Hughes is a shareholder of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

6. I have found Mr. Hughes to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

7. Accordingly, I am pleased to move the admission of Peter O. Hughes, Esq., *pro hac vice*.

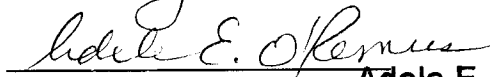
8. I respectfully submit a proposed order granting the admission of Peter O. Hughes, Esq., *pro hac vice*, which is simultaneously filed herewith.

I hereby aver that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Allyson M. Smith

Sworn to and subscribed
Before me this 26th day
of February, 2008



Notary Public

Adele E. O'Remus
Notary Public of New Jersey
My Commission Expires March 31, 2010

5523963.1 (OGLETREE)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Allyson M. Smith (AS-4750)
OGLETREE, DEAKINS, NASH
SMOAK & STEART, P.C.
521 Fifth Avenue, Suite 1700
New York, New York 10117
(212) 292-4314
allyson.smith@odnss.com
Attorneys for Defendant

-----	:	
SUE EARL,	:	Hon. Richard J. Holwell, U.S.D.J. Case No.
	:	Civil No.: 07 CIV 9595 (RJH)
	:	
Plaintiff,	:	<i>Civil Action</i>
	:	
v.	:	
	:	ORDER ADMITTING PETER O.
NOVARTIS CONSUMER HEALTH, INC.	:	HUGHES, ESQ., <i>PRO HAC VICE</i>
	:	PURSUANT TO LOCAL RULE 1.3(c)
	:	
Defendant.	:	
-----	:	

THIS MATTER, having come before the Court upon the application of
defendant Novartis Consumer Health, Inc. for an Order pursuant to Local Rule 1.3(c);

IT IS on this _____ day of _____ 2008

ORDERED that Peter O. Hughes, Esq., in good standing, be admitted as a
visiting attorney, *pro hac vice*, to participate in all proceedings relative to the above-
captioned matter.

SO ORDERED

Richard J. Holwell U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Allyson M. Smith (AS-4750)
OGLETREE, DEAKINS, NASH
SMOAK & STEART, P.C.
521 Fifth Avenue, Suite 1700
New York, New York 10117
(212) 292-4314
allyson.smith@odnss.com
Attorneys for Defendant

-----	:	
SUE EARL,	:	Hon. Richard J. Holwell, U.S.D.J. Case No.
	:	Civil No.: 07 CIV 9595 (RJH)
	:	
Plaintiff,	:	<i>Civil Action</i>
	:	
v.	:	
	:	
NOVARTIS CONSUMER HEALTH, INC.	:	CERTIFICATE OF SERVICE
	:	
Defendant.	:	
-----	:	

I am over the age of 18 and not a party to this action. On this date, I served a true copy of the following documents:

NOTICE OF MOTION TO ADMIT PETER O. HUGHES, ESQ., *PRO HAC VICE*;

AFFIDAVIT OF PETER O. HUGHES, ESQ., IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*;

AFFIDAVIT OF ALLYSON M. SMITH, ESQ., IN SUPPORT OF MOTION TO ADMIT PETER O. HUGHES, ESQ., *PRO HAC VICE*; and

[PROPOSED] ORDER ADMITTING PETER O. HUGHES, ESQ., *PRO HAC VICE*.

on the party listed below sent to her attorneys of record at their last known addresses as follows:

Via Overnight Mail:

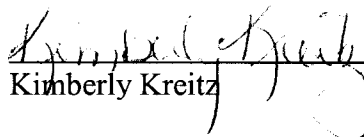
Steven L. Wittels, Esq.
Sanford Wittels & Heisler, LLP
950 Third Avenue, 10th Floor
New York, New York 10022
Counsel for Plaintiff

Via U.S. Mail:

William R. Weinstein, Esq.
Jeremy Heisler, Esq.
Sanford Wittels & Heisler, LLP
950 Third Avenue, 10th Floor
New York, New York 10022
Counsel for Plaintiff

David Sanford, Esq.
Sanford Wittels & Heisler, LLP
1666 Connecticut Avenue, N.W.
Suite 310
Washington, D.C. 20009
Counsel for Plaintiff

I declare under penalty of perjury that the foregoing statements made by me are true and correct.



Kimberly Kreitz

Dated: February 27, 2008